

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MASON WOLLERSHEIM,

Case No.: 2:24-cv-01004-APG-EJY

Plaintiff

V.

RICHARD GARCIA, et al.,

**Order (1) Granting Motions to Dismiss, (2)
Denying Motion for Injunction, and (3)
Dismissing Case**

Defendants

[ECF Nos. 10, 16, 20]

Plaintiff Mason Wollersheim filed this lawsuit alleging federal and state law claims and motion for emergency injunctive relief. Defendants Matthew Mesko, Richard Garcia, and Morse opposed the motion for injunctive relief and moved to dismiss for lack of subject jurisdiction, lack of personal jurisdiction, failure to state a claim, and qualified immunity. Nos. 16; 21. The United States of America subsequently certified that Mesko, Garcia, and were acting in the scope of their federal employment in relation to Wollersheim's actions against them, so any state law tort claims are deemed to be against the United States under the Federal Tort Claims Act. ECF No. 17. The United States then filed a motion to dismiss the state law defamation claim because Wollersheim failed to exhaust administrative remedies and because the United States has not waived its sovereign immunity for defamation . ECF No. 20. The United States also joined the individual defendants' response to the motion. ECF No. 22.

Wollersheim thereafter requested additional time to file his reply and to respond to the plaintiffs' motions so that he could locate counsel to assist him. ECF No. 24. I granted that motion and gave Wollersheim until November 22, 2024 to respond.

1 To date, Wollersheim has not responded to the motions, nor has he requested additional
2 time to do so. I therefore grant the motions to dismiss as unopposed under Local Rule 7-2(d).
3 Because I dismiss the amended complaint, I deny the motion for injunctive relief as moot.

4 I THEREFORE ORDER that the defendants' motions to dismiss (**ECF No. 16, 20**) are
5 **GRANTED**. Plaintiff Mason Wollersheim's amended complaint (ECF No. 4) is dismissed
6 without prejudice.

7 I FURTHER ORDER that plaintiff Mason Wollersheim's motion for emergency
8 injunction (**ECF No. 10**) is **DENIED as moot**.

9 I FURTHER ORDER the clerk of court to close this case.

10 DATED this 8th day of January, 2025.

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12 ANDREW P. GORDON
13 CHIEF UNITED STATES DISTRICT JUDGE

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